REMARKS

Favorable reconsideration of this application is respectfully requested in view of the above amendments and following remarks. Claim 10 is amended to include subject matter from original claims 14 and 15. Accordingly, claims 14 and 15 have been canceled and claims 16 and 17 are amended to depend upon claim 10. Claims 23-28 are added and supported for example at page 11, lines 5-9 and Example 1 on page 16, line 12. No new matter has been added. Claims 10, 11, 13, 16, 17, and 19-28 are pending.

Applicant again kindly reminds the Examiner that Yamamoto et al. (US 4889229), which is applied in the current art rejections and was first applied in the Office Action mailed July 12, 2007, is incorrectly cited in the Form PTO-892 as the reference Sandish et al. (US 4889239). Applicant again respectfully requests that the Examiner issue a new PTO-892 correctly citing Yamamoto et al.

Regarding Lynch et al. (US 5447229 and cited in the rejections of the final Office Action mailed January 23, 2008), Applicant also again notes that the Form PTO-892 in the final Office Action does not list this reference. Applicant again respectfully requests that the Examiner issue a new PTO-892 citing Lynch et al.

Turning to the current rejections, claims 13-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant respectfully traverses this rejection to the extent it is maintained.

Regarding the language "the sensors have lightfastness" in claim 13, Applicant respectfully submits that one of skill in the art would recognize this limitation to be a sensor characteristic. Further, Applicant's specification, for example at page 7, line 11, refers to lightfastness as resistance to light (e.g. the sensors have resistance to light). Thus, claim 13 is definite. The rejection is moot as to claims 14 and 15 since these claims have been canceled, and the rejection is moot as to claims 16 and 17 since these claims now depend upon claim 10.

Withdrawal of the rejection is respectfully requested.

Claims 10 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2001-141686 in view of Stewart et al. (US 4589547) and one of Heller et al. (US 6143164) and Mao et al. (US 6605201). Claim 11 also is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 10 above, and further in view of either one of Yamamoto et al. (US 4889229) and Swain (US 3139976).

These rejections are moot as claim 10 has been amended to include the subject matter of claims 14 and 15. Withdrawal of the rejections is respectfully requested.

Claims 13-17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art applied to claim 10 above, and further in view of any one of Say et al. (US 6464849), Feldman et al. (US 6461496), and Say et al. (US 6175752). Applicant respectfully traverses this rejection to the extent it is maintained.

Claim 10, which includes the subject matter of canceled claims 14 and 15, and claim 22 are both directed to sensor-container combinations having a container where part of the container is transparent or semi-transparent. Claims 10 and 22 also include a plurality of sensors that require a lightfast transition metal complex that is a ruthenium complex. Among other advantages, the combination of features claimed suppresses degradation of the sensors by light even where part of the container is made transparent, since the sensors uses a lightfast transition metal complex, namely a ruthenium complex. Even further, the combination of features claimed prevents degradation in the sensors from contact with air, since the container is partly transparent or semi-transparent and can be observed without opening the container.

The references cited, however, do not teach or suggest combining such features as required by claims 10 and 22. JP 2001-141686, Stewart et al., Heller et al., Mao et al., Yamamoto et al. and Swain all fail to at least disclose or suggest the use of sensors with a lightfast transition metal complex in combination with a container that has a part that is transparent or semi-transparent, let alone use of a ruthenium complex as the particular lightfast transition metal complex. Furthermore, none of these references describe or even recognize the problem of such sensors coming into contact with the outside air due to the opening of the container, which can cause sensor degradation from humidity and oxidation from exposure to air, and thus the references are further removed.

Regarding Say et al. (US 64664849), Feldman et al. (US 6461496), and Say et al. (US 6175752), there is no reasonable suggestion or motivation to combine these references with the primary references. Say et al., Feldman et al., and Say et al. provide no motivation for combining a sensor including: an oxidation-reduction enzyme; a mediator or lightfast transition metal complex that is a ruthenium complex and that mediates the transfer of electrons caused by oxidation or reduction; and a detection means that detects a reaction of the oxidation or reduction, with a container that is transparent or semi-transparent in part. As with the primary references above, Say et al., Feldman et al. and Say et al. do not describe or even recognize the problem of such sensors coming into contact with the outside air due to the opening of the container. While Feldman et al. and Say et al. (US 6175752) mention a ruthenium complex, the references do not recognize that a ruthenium complex has lightfastness or that such a complex would be desired in the sensor-container combination as required by claims 10 and 22. While it has been known to store such sensors in opaque containers to minimize the sensors to light exposure, Applicants respectfully submit that they have recognized and solved the problem that conventional sensors are weak to humidity and can be degraded due to oxidation and humidity caused by exposure to air when the container is opened. With the combination of the sensor having a lightfast transition metal that is a ruthenium complex and the container being partly transparent or semi-transparent, both the light exposure and air exposure problems are addressed by the claimed invention. Applicants respectfully submit that claims 10 and 22 are not obtained by a matter of design choice, and that there is no reasonable suggestion or motivation in the references cited to arrive at the features of claims 10 and 22 or the advantages that can be enjoyed thereby. For at least the foregoing reasons, claims 10 and 22 and the claims dependent therefrom are non-obvious and are allowable.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Regarding added claims 23-28, Applicants respectfully submit that these claims further limit claims 10 and 22, respectively, and also recite features that are separately allowable over the references cited.

In view of the above amendments and remarks, Applicant believes that the claims are in condition for allowance. Favorable consideration is respectfully requested in the form of a Notice of Allowance. If any questions arise concerning this communication, the Examiner is invited to contact Applicant's representative at the number listed below.

Respectfully submitted,

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